

EXHIBIT “N”

<p>Page 45</p> <p>1 that is going to be digitally distributed.</p> <p>2 In addition to that, I actually am a -- I have</p> <p>3 a client that I'm also a principal in -- that has --</p> <p>4 that -- that owns or controls hundreds and hundreds of</p> <p>5 musical recordings and those musical recordings are --</p> <p>6 have all been -- are all being distributed by a handful</p> <p>7 of different distributors and -- and in certain</p> <p>8 instances, I'm actually the administrator in charge of</p> <p>9 uploading the recordings. And I'm very familiar with</p> <p>10 then how those recordings each have an ISRC assigned to</p> <p>11 it. So I would say that more than qualifies me as an</p> <p>12 expert on ISRCs.</p> <p>13 Q Move to strike as non-responsive. The --</p> <p>14 A What? How is that not responding?</p> <p>15 MR. BEGAKIS: Yeah. It's ridiculous.</p> <p>16 THE WITNESS: Come on.</p> <p>17 MR. BERMAN: (indiscernible -</p> <p>18 simultaneous speech).</p> <p>19 MR. BEGAKIS: Motion denied.</p> <p>20 MR. BERMAN: But I -- thank you for</p> <p>21 talking on my record.</p> <p>22 BY MR. BERMAN:</p> <p>23 Q (Indiscernible), you've never written any</p> <p>24 professional "oh. First of all, if you please --</p> <p>25 sorry. Withdrawn.</p>	<p>Page 46</p> <p>1 Can you please explain for the record what</p> <p>2 ISRC is?</p> <p>3 A It is a -- a code that -- it's a unique code</p> <p>4 that is assigned to every single recording that ends up</p> <p>5 being digitally distributed so that the recording can be</p> <p>6 tracked for various purposes including the performance</p> <p>7 of the recording and payments associated with the</p> <p>8 recording. It stands for International Standard</p> <p>9 Recording Code, and within the code there are various</p> <p>10 elements.</p> <p>11 And again, in the context of working with a</p> <p>12 client regarding ISRCs, like I had said before, I had</p> <p>13 literally acquire -- I had set up my own account or like</p> <p>14 I set up an account, I forgot if it was either through</p> <p>15 my consulting company or my firm, my law firm, and with</p> <p>16 a company called isrc.net.</p> <p>17 And in the context of one particular situation</p> <p>18 where the client was asking about whether or not they</p> <p>19 were supposed to assign a new -- a new ISRC with respect</p> <p>20 to a recording that was being transferred from one</p> <p>21 distributor to another just to get a -- a -- this was</p> <p>22 many years ago, but just to get a -- just a little more</p> <p>23 guidance, I actually called the isrc.net company and</p> <p>24 what they said to me was that the ISRC is like a Social</p> <p>25 Security number and it's unique and -- and is never</p>
<p>Page 47</p> <p>1 supposed to change like you don't change a Social</p> <p>2 Security number. And that's how it was explained to me.</p> <p>3 And that's my -- that's my -- that's -- that's what --</p> <p>4 that's what an ISRC is.</p> <p>5 Q Move to strike as non-responsive. Could you</p> <p>6 please explain to me what a UPC is?</p> <p>7 A Universal Product Code. It does similar</p> <p>8 things to an ISRC but it's -- it's assigned to products</p> <p>9 not digital media. And a -- a musical recording, as an</p> <p>10 example, can have both and should have both, actually.</p> <p>11 But it's more about products, but the products to which</p> <p>12 UPCs are signed go way beyond just musical recordings.</p> <p>13 As an example, a single recording, what we</p> <p>14 call a single in the music business, would have an ISRC</p> <p>15 "I'm sorry, a UPC. The album that that single appears</p> <p>16 on would have its own UPC. So it's product driven and</p> <p>17 then it serves the similar purpose, it's constructed</p> <p>18 similarly and that's what a Universal Product Code is.</p> <p>19 Q Move to strike as non-responsive. Just to</p> <p>20 clarify --</p> <p>21 MR. BEGAKIS: Do we want to keep this</p> <p>22 deposition going because everything he says is</p> <p>23 apparently non-responsive to you, Counsel?</p> <p>24 BY MR. BERMAN:</p> <p>25 Q Mr. Katz, you testified that you had a</p>	<p>Page 48</p> <p>1 conversation with an individual associate -- withdrawn.</p> <p>2 Who issues ISRC codes?</p> <p>3 A So there are various places you can get them.</p> <p>4 In the United States, the RIAA is the official agency</p> <p>5 for -- for, you know -- did you say ISRCs by the way?</p> <p>6 I'm sorry.</p> <p>7 Q Yes.</p> <p>8 A Okay. The RIAA is the -- is the designated</p> <p>9 agent in the United States. But there are -- there are</p> <p>10 numerous other parties that become qualified to issue</p> <p>11 them. And so, as an example, a -- a music distributor</p> <p>12 could be authorized as kind of like a manager of the</p> <p>13 process and -- and they become a registrant. And so</p> <p>14 what happens is they're authorized to issue ISRCs to</p> <p>15 their artist clients, their label clients, so that</p> <p>16 they're in a position to be able to -- to issue those --</p> <p>17 to assign those ISRCs to the recordings which -- which</p> <p>18 then they -- which then -- as an example, again, the</p> <p>19 distributor delivers to the digital retail streaming</p> <p>20 platforms because they have --there has to be an ISRC in</p> <p>21 the metadata that's -- that's delivered along with the</p> <p>22 recordings to the digital streaming platforms.</p> <p>23 Q Is it your expert opinion that a ISRC code is</p> <p>24 never supposed to change?</p> <p>25 A That is my expert opinion. It is the -- that</p>

<p style="text-align: right;">Page 49</p> <p>1 is the custom and practice in -- in the music business.</p> <p>2 Now, just to clarify, do you mean if -- if a -- if the</p> <p>3 same exact recording is rereleased or changes</p> <p>4 distribution? So let me just clarify my answer. If the</p> <p>5 same exact -- if a musical recording has been initially</p> <p>6 distributed -- released, commercially released, on</p> <p>7 streaming platforms, it cannot -- it cannot have been</p> <p>8 done so without assigning a unique ISRC.</p> <p>9 Even if that recording in -- in exactly the</p> <p>10 form that it was initially released is -- is taken -- is</p> <p>11 -- is moved from one distributor to another, the custom</p> <p>12 and practice is that the -- that the ISRC originally</p> <p>13 assigned to that recording does not change. It should</p> <p>14 not be changed.</p> <p>15 Q Okay.</p> <p>16 A The same when you issue your Social Security</p> <p>17 number.</p> <p>18 Q Okay. So what is the factual basis for your</p> <p>19 opinion that it's the custom and practice in the music</p> <p>20 industry that an original ISRC doesn't change when a</p> <p>21 sound recording changes owners?</p> <p>22 A A -- a tremendous amount of experience in</p> <p>23 guiding situations where clients have changed</p> <p>24 distributors.</p> <p>25 Q Okay. Is it your professional opinion that an</p>	<p style="text-align: right;">Page 50</p> <p>1 ISRC code, could and should never be changed when a</p> <p>2 sound recording changes ownership?</p> <p>3 MR. BEGAKIS: Objection. Vague.</p> <p>4 MR. SHERMAN: Also, it misstates</p> <p>5 testimony.</p> <p>6 BY MR. BERMAN:</p> <p>7 Q (Indiscernible).</p> <p>8 A If -- if the -- if the recording in the same</p> <p>9 exact form is being transferred from one distributor to</p> <p>10 another, there -- the -- there's -- it is my expert</p> <p>11 opinion that the ISRC code should not be changed.</p> <p>12 Q Okay. So it's your professional opinion that</p> <p>13 an ISRC code -- withdrawn.</p> <p>14 And so it's your expert opinion that there are</p> <p>15 no circumstances in which an ISRC code should ever be</p> <p>16 changed when a sound recording changes from one</p> <p>17 distributor to another; is that correct?</p> <p>18 MR. SHERMAN: Objection. Misstates</p> <p>19 testimony.</p> <p>20 MR. BEGAKIS: And vague as to change.</p> <p>21 MR. BERMAN: Okay. Over their objection,</p> <p>22 you can answer.</p> <p>23 THE WITNESS: So if nothing about the</p> <p>24 recording changes other than ownership -- oh sorry,</p> <p>25 other than the -- other than distribution rights. The</p>
<p style="text-align: right;">Page 51</p> <p>1 code should not be changed.</p> <p>2 Q Okay. So my question to you, sir, is: So</p> <p>3 should it never be changed under any circumstances when</p> <p>4 there's a change of distributor?</p> <p>5 MR. BEGAKIS: Objection. Asked and</p> <p>6 answered. Vague, argumentative, misstates the witness's</p> <p>7 prior testimony.</p> <p>8 MR. BERMAN: You can answer.</p> <p>9 THE WITNESS: If the -- if -- if the --</p> <p>10 if the same recording is released -- rereleased, then</p> <p>11 the ISRC should not be changed.</p> <p>12 BY MR. BERMAN:</p> <p>13 Q Okay. What I asked you again, sir, is that</p> <p>14 are there any circumstances at all in which case an ISRC</p> <p>15 should be changed when there's a change of distributor?</p> <p>16 MR. BEGAKIS: Objection. Vague.</p> <p>17 Misstates the witness's prior testimony. Asked and</p> <p>18 answered.</p> <p>19 THE WITNESS: I don't think I've come</p> <p>20 across the situation yet. I suppose it's possible, but</p> <p>21 I don't think I've come across such a situation yet in</p> <p>22 all of my years of dealing with the transfer of ISRCs</p> <p>23 from one distributor to another, where there was a</p> <p>24 reason -- there was -- there was a -- it became</p> <p>25 necessary to change the ISRC.</p>	<p style="text-align: right;">Page 52</p> <p>1 BY MR. BERMAN:</p> <p>2 Q Okay. So you're saying that you've never come</p> <p>3 across a reason to change it, but it's not your expert</p> <p>4 testimony that it should never be changed under any</p> <p>5 circumstances?</p> <p>6 MR. BEGAKIS: Objection. Misstates</p> <p>7 witness's prior testimony.</p> <p>8 THE WITNESS: Haven't come across a</p> <p>9 situation yet where it would be appropriate to make the</p> <p>10 change.</p> <p>11 BY MR. BERMAN:</p> <p>12 Q Okay. Notwithstanding that, are there any</p> <p>13 circumstances whatsoever where an ISRC code could be</p> <p>14 changed with a change of distributor?</p> <p>15 MR. BEGAKIS: Objection. Vague. Asked</p> <p>16 and answered.</p> <p>17 THE WITNESS: Again, I have not come</p> <p>18 across a situation yet where it became appropriate to</p> <p>19 make the change.</p> <p>20 BY MR. BERMAN:</p> <p>21 Q Okay. So then is it your testimony that you</p> <p>22 had --</p> <p>23 A Can I finish my question -- "my answer, I mean?"</p> <p>24 Q Go ahead.</p> <p>25 A In the event that the same exact recording was</p>

<p style="text-align: right;">Page 65</p> <p>1 recording.</p> <p>2 BY MR. BERMAN:</p> <p>3 Q Okay. And may I ask you about the basis of</p> <p>4 your belief. Is that your own personal opinion or is</p> <p>5 that based on any publication or other objective source?</p> <p>6 A It's based on my -- again, based on my vast</p> <p>7 experience in terms of my presiding over the change from</p> <p>8 one distributor to another and conversations that I've</p> <p>9 had with various distributors when -- from time to time,</p> <p>10 the -- the question came up as to the -- basically the -</p> <p>11 - the whole transfer process and within those</p> <p>12 discussions of making sure that all of the information</p> <p>13 would change hands from one distributor to another.</p> <p>14 There have been conversations that I've had in various</p> <p>15 capacities, when I say capacities, meaning representing</p> <p>16 various types of different clients about why the ISRC</p> <p>17 code shouldn't change.</p> <p>18 Q Just to be clear, so it's your opinion that an</p> <p>19 ISRC code shouldn't change, but not that it can't</p> <p>20 change, correct?</p> <p>21 A It can physically happen, but it's not</p> <p>22 supposed to.</p> <p>23 Q Okay. Is there any legal -- are you aware of</p> <p>24 any legal prohibition against changing an ISRC code?</p> <p>25 MR. BEGAKIS: Objection. Vague. Calls</p>	<p style="text-align: right;">Page 66</p> <p>1 for a legal conclusion.</p> <p>2 THE WITNESS: I -- I don't believe it's</p> <p>3 illegal to do it.</p> <p>4 BY MR. BERMAN:</p> <p>5 Q Okay. And --</p> <p>6 MR. SHERMAN: Can we take a five-minute</p> <p>7 break?</p> <p>8 MR. BEGAKIS: Thank you. I was just --</p> <p>9 MR. SHERMAN: I need to use the restroom.</p> <p>10 MR. BEGAKIS: Me too.</p> <p>11 THE REPORTER: Going of the record at</p> <p>12 2:58 p.m., Eastern.</p> <p>13 (Off the record.)</p> <p>14 THE REPORTER: Back on the record, 3:11</p> <p>15 p.m., Eastern.</p> <p>16 BY MR. BERMAN:</p> <p>17 Q Mr. Katz, would you agree with me that there's</p> <p>18 no technical prohibition for a new owner of a sound</p> <p>19 recording -- or withdrawn. Let me ask it again</p> <p>20 differently.</p> <p>21 Mr. Katz, would you agree with me that there's</p> <p>22 no technical prohibition preventing the new owner of a</p> <p>23 sound recording from changing the ISRC code?</p> <p>24 MR. BEGAKIS: Objection. Vague.</p> <p>25 THE WITNESS: I'm not aware -- I'm not --</p>
<p style="text-align: right;">Page 67</p> <p>1 I'm not at -- Okay. Can I answer?</p> <p>2 MR. BERMAN: Yeah.</p> <p>3 THE WITNESS: I'm not aware that it would</p> <p>4 be technically impossible to do it.</p> <p>5 BY MR. BERMAN:</p> <p>6 Q And is it true that there's no penalty of any</p> <p>7 kind for a new owner of a sound recording for changing</p> <p>8 the ISRC code?</p> <p>9 MR. BEGAKIS: Objection. Vague.</p> <p>10 THE WITNESS: I'm not aware of any</p> <p>11 consequence from a technical standpoint although I</p> <p>12 suppose that on the discovery that there was a change,</p> <p>13 there -- there could be some consequences at various</p> <p>14 levels of the entire commercial recording release</p> <p>15 process. But other than consequences that may befall</p> <p>16 the situation, I'm -- I'm not aware of that either, like</p> <p>17 a punitive situation.</p> <p>18 BY MR. BERMAN:</p> <p>19 Q Just to clarify for the record, you've defined</p> <p>20 the Hyphy Albums as -- To clarify for the record, you've</p> <p>21 clarified in your record the Hyphy Albums as the</p> <p>22 following: "El Compesino, Corridos De Poca M, Amigos y</p> <p>23 Contrarios, En Vivo Desde La Cantina de Mi Barrio," and</p> <p>24 "Nuestra Historia En Vivo," correct?</p> <p>25 A I see that I've listed those titles and</p>	<p style="text-align: right;">Page 68</p> <p>1 referred to them as the "Hyphy Albums."</p> <p>2 Q Okay. And is it your belief that a company</p> <p>3 called The Orchard had initially procured ISRC codes in</p> <p>4 connection with each of these Hyphy Albums and assigned</p> <p>5 them to each of the albums?</p> <p>6 A I wasn't actually there so I'm assuming that</p> <p>7 since that is the practice, that that's what occurred.</p> <p>8 Q So you wrote here in your report, "In turn, it</p> <p>9 would have been the responsibility and obligation of The</p> <p>10 Orchard, again, on behalf of Hyphy, to obtain the ISRC</p> <p>11 with respect to each of the Hyphy Recordings contained</p> <p>12 on each of the Hyphy Albums, as well as any UPC as</p> <p>13 applicable, and to provide these ISRCs and any UPCs to</p> <p>14 the streaming platforms in conjunction with the delivery</p> <p>15 of the Hyphy Albums and Hyphy Recordings directly to the</p> <p>16 streaming platforms." That's what you wrote, correct?</p> <p>17 A I wasn't following you, but I'll take your</p> <p>18 word for it that you were reading from my report.</p> <p>19 Q And do you have any firsthand knowledge as to</p> <p>20 whether or not The Orchard had actually procured ISRCs</p> <p>21 and UPCs in connection with the Hyphy Albums?</p> <p>22 A I -- as I stated before, I don't -- I wasn't</p> <p>23 there, so I don't actually know for sure that's exactly</p> <p>24 how those codes were acquired and assigned. So the way</p> <p>25 I wrote it was to say that that would normally be the</p>

<p style="text-align: right;">Page 69</p> <p>1 practice.</p> <p>2 Q Okay. And then, I'm reading for the next</p> <p>3 paragraph, on paragraph on page 5 of Exhibit B. "Once</p> <p>4 the ISRCs were signed by The Orchard and delivered to</p> <p>5 the streaming platforms as part of the metadata with</p> <p>6 respect to the Hyphy Recordings, those ISRCs are</p> <p>7 supposed to remain associated with each respective Hyphy</p> <p>8 Recording in perpetuity without change or replacement,</p> <p>9 regardless of whether the rights to Hyphy Recordings</p> <p>10 were assigned to another distributor and rereleased by</p> <p>11 such other distributor." Do you see where you wrote</p> <p>12 that?</p> <p>13 A I have to scroll, but I'm just assuming you're</p> <p>14 reading from -- sounds like you're reading from the</p> <p>15 report, so I'm going to take your word for it.</p> <p>16 Q Yes. To be clear from the record, I'm reading</p> <p>17 from the second paragraph from the bottom of page 5 of</p> <p>18 Exhibit B.</p> <p>19 A Yeah. I've seen that. Yes. Okay. I see the</p> <p>20 paragraph, but sounds like you're reading from the</p> <p>21 report, so I see that -- I see that I wrote that.</p> <p>22 Q Okay. And just be clear that you have no</p> <p>23 firsthand knowledge as to whether or not The Orchard</p> <p>24 actually did, in fact, assign ISRCs to the Hyphy</p> <p>25 Recordings or Albums?</p>	<p style="text-align: right;">Page 70</p> <p>1 MR. BEGAKIS: Objection. Asked and</p> <p>2 answer.</p> <p>3 MR. BERMAN: Just trying to clarify.</p> <p>4 THE WITNESS: Yeah. I -- I answered that</p> <p>5 question already. I -- I wasn't involved in the</p> <p>6 process, so I can't say for sure exactly who acquired</p> <p>7 them.</p> <p>8 BY MR. BERMAN:</p> <p>9 Q And I would ask you, what is the basis for</p> <p>10 your statement that those ISRCs are supposed to remain</p> <p>11 associated with each respective Hyphy Recording in</p> <p>12 perpetuity without change or replacement, regardless of</p> <p>13 whether the rights for the Hyphy Recordings were</p> <p>14 assigned to another distributor and they rereleased by</p> <p>15 such other distributor?</p> <p>16 A I -- God, I believe we've talked through all</p> <p>17 of the reasons and what is my experience custom practice</p> <p>18 regarding the initial assignment of an ISRC and that</p> <p>19 regardless of whether the distributor changes hands, the</p> <p>20 ISRC should not be changed. And I'll just refer back to</p> <p>21 the record of this deposition in which we've discussed</p> <p>22 at length that idea.</p> <p>23 Q Move to strike as non-responsive.</p> <p>24 I'm going to read from the next paragraph.</p> <p>25 "It appears that Yellowcake, Inc., 'Yellowcake'</p>
<p style="text-align: right;">Page 71</p> <p>1 delivered these same Hyphy Recordings to Yellowcake's</p> <p>2 distributor apparently Colonize Media, at some point in</p> <p>3 the process of Yellowcake commercially distributing the</p> <p>4 Hyphy Recordings and in connection with such rerelease</p> <p>5 by Yellowcake/Colonize of the Hyphy Recordings new ISRCs</p> <p>6 were assigned to the Hyphy Recordings, and new UPCs were</p> <p>7 assigned to the Hyphy Albums." You see where you wrote</p> <p>8 that?</p> <p>9 A Yes.</p> <p>10 Q Okay. What's your factual basis for that</p> <p>11 representation in the expert report that Yellowcake had</p> <p>12 assigned new ISRCs to the recordings?</p> <p>13 A I -- I believe I -- I researched these</p> <p>14 recordings by looking into the resources provided by</p> <p>15 SoundExchange because SoundExchange is the -- has been</p> <p>16 designated -- is designated in the U.S. as the</p> <p>17 authoritative source.</p> <p>18 I'm sorry guys, I'm getting an Adobe Flash</p> <p>19 update. Hang on one second. Sorry. Weird. Okay. All</p> <p>20 right. Oh, God. Right in the middle of -- there we go.</p> <p>21 Okay. I'm back.</p> <p>22 Yeah. So I -- I looked in -- in the Sound --</p> <p>23 I looked at SoundExchange being the source, and I</p> <p>24 noticed that there were -- there was -- there was a</p> <p>25 second ISRC assigned to the -- what looked like the same</p>	<p style="text-align: right;">Page 72</p> <p>1 exact recording.</p> <p>2 Q Okay. And you didn't include the findings of</p> <p>3 your research in connection with the expert report</p> <p>4 marked as Exhibit B, correct?</p> <p>5 MR. BEGAKIS: Objection. Misstates</p> <p>6 witness's prior testimony. Assumes facts not in</p> <p>7 evidence.</p> <p>8 THE WITNESS: I'm sorry. What was the</p> <p>9 question?</p> <p>10 BY MR. BERMAN:</p> <p>11 Q You didn't include the findings of your</p> <p>12 research on SoundExchange that you just testified to as</p> <p>13 an exhibit with your -- to your expert report, correct?</p> <p>14 MR. BEGAKIS: Same objection.</p> <p>15 THE WITNESS: No. But I believe I listed</p> <p>16 in my sources that, that was the -- a source that I had</p> <p>17 consulted.</p> <p>18 BY MR. BERMAN:</p> <p>19 Q Okay. But you didn't actually produce any</p> <p>20 documents referencing or related to the -- to your</p> <p>21 research, correct?</p> <p>22 A You mean like a screenshot?</p> <p>23 Q Correct.</p> <p>24 A Okay. It was my understanding that was</p> <p>25 already in the record. But if it isn't, then my bad.</p>

<p style="text-align: right;">Page 73</p> <p>1 So -- but I did list it as a source, but I didn't attach 2 it as an exhibit.</p> <p>3 Q Okay. What's your -- the basis for your 4 opinion that SoundExchange is the definitive database 5 for ISRC code?</p> <p>6 MR. BEGAKIS: Objection, to the extent of 7 misstates the witness's prior testimony.</p> <p>8 THE WITNESS: Just common knowledge that 9 that is the definitive source that has been assigned by 10 the RIAA. So common knowledge.</p> <p>11 BY MR. BERMAN:</p> <p>12 Q Isn't it true that SoundExchange is a 13 collective rights management organization that collects 14 and distributes digital performance royalties for sound 15 recording?</p> <p>16 A That is my understanding as to one of the 17 functions.</p> <p>18 Q And is it true that SoundExchange does not 19 issue ISRC codes?</p> <p>20 A I don't know if you can get -- I don't think 21 you can get -- I don't know if SoundExchange is a -- is 22 a source. I just know that they're the designated 23 authoritative source for data relating to ISRCs. But I 24 don't know whether or not you can actually go to 25 SoundExchange to acquire an ISRC.</p>	<p style="text-align: right;">Page 74</p> <p>1 Q I'm going to read the next line, which is on 2 page 6 of Exhibit B. It's the second paragraph. "As 3 mentioned above, the new ISRCs should not have been 4 assigned to each of the Hyphy Recordings. Such actions 5 causes confusion and issues indicates that Yellowcake 6 and Colonize failed to take the customary and 7 appropriate steps in order to secure the transfer and 8 assignment of the original ISRCs previously assigned to 9 the Hyphy Recordings and failed to attempt to 10 cooperate/coordinate with Hyphy/The Orchard.</p> <p>11 It is clear that for numerous reasons that 12 Yellowcake and Colonize knew that the Hyphy Recordings 13 had been previously commercially released by Hyphy/The 14 Orchard. Yellowcake and Colonize knew there would be 15 issues with Yellowcake/Colonize commercially releasing 16 duplicates of the Hyphy Recordings. So Yellowcake and 17 Colonize apparently chose to ignore the issues of 18 Hyphy's prior release of the Hyphy's Recordings and 19 rerelease/redistribute the Hyphy Recordings regardless 20 of these issues and prior releases thereof." Do you see 21 that?</p> <p>22 A Yes, sir.</p> <p>23 Q Okay. So again, if the assignment of new 24 ISRCs causes confusion and issues -- withdrawn.</p> <p>25 How does the issuance of new ISRC codes</p>
<p style="text-align: right;">Page 75</p> <p>1 necessarily mean that Yellowcake and Colonize failed to 2 take customary and appropriate steps in order to secure 3 the transfer of the original ISRCs previously assigned 4 to Hyphy?</p> <p>5 A The customary process is that the new 6 distributor would contact the or coordinate with the 7 former distributor if there was a changing hands of the 8 distribution rights from one distributor to another. 9 Again, going back to it is not the customary practice. 10 It is not the appropriate practice to assign a new ISRC 11 to the exact same recording in the exact same form that 12 it was originally commercially released, distributed, 13 and -- and delivered to a streaming platform.</p> <p>14 And so the fact that Yellowcake and Colonize 15 assign new ISRCs tells me that they did not take the 16 customary in appropriate steps and didn't do the proper 17 thing.</p> <p>18 Q Okay. So why is it inappropriate to change an 19 ISRC code?</p> <p>20 A As stated in my report and many times over in 21 this deposition, it's problematic. It causes confusion. 22 It causes issues at every level, including that the 23 streaming platform level, in terms of their own ability 24 to track the performance of a recording and causes 25 conflict within their systems.</p>	<p style="text-align: right;">Page 76</p> <p>1 Q Would you agree with me that regardless of the 2 problems that you believe it may cause to change in ISRC 3 code, that it would be the prerogative of the new owner 4 of a sound recording to decide whether or not to keep an 5 old ISRC code or obtain a new one?</p> <p>6 MR. BEGAKIS: Objection. Vague.</p> <p>7 THE WITNESS: Absolutely not. It's -- 8 it's not the custom and practice, and so it shouldn't be 9 the prerogative. They shouldn't have a choice. It's -- 10 it's not appropriate.</p> <p>11 BY MR. BERMAN:</p> <p>12 Q Okay. But the appropriateness is based on the 13 potential problems that changing the ISRC code causes 14 that you testified to, correct?</p> <p>15 MR. BEGAKIS: Objection, to the extent of 16 misstates to witness's prior testimony, and vague.</p> <p>17 THE WITNESS: It's not the practice to 18 change the code for all the reasons that we've discussed 19 at great length.</p> <p>20 BY MR. BERMAN:</p> <p>21 Q Okay. But again, then you agree with me that 22 the -- there is no prohibition, either technical or 23 legal from changing an ISRC code by a new owner of a 24 sound record?</p> <p>25 MR. BEGAKIS: Objection. Asked and</p>